

**FREDERICK COUNTY PLANNING COMMISSION
MEETING OF June 29, 2011**

Members Present: Robert White, Chair; John McClurkin, Vice Chair; Richard Floyd, Secretary; Billy Shreve, Commissioner Liaison; Audrey Wolfe, Catherine Forrence and Robert Lawrence

Staff Present: Eric Soter, Director, Community Development Division; Kathy Mitchell, Assistant County Attorney; Ray Barnes, Director, FCPS Facilities Services Division; and Erica Cooke, Recording Secretary

The Chairman began the meeting at 7:00 p.m.

1. AGENCY COMMENTS/AGENDA BRIEFING

Eric Soter reminded the Planning Commission, audience in attendance and citizens viewing the telecast that the County is still accepting applications for the Comprehensive Plan and Zoning Review and Reconsideration. The deadline to request changes is July 15, 2011.

2. ADEQUATE PUBLIC FACILITIES ORDINANCE TEXT AMENDMENTS

- a. Adequate Public Facilities Ordinance (APFO) Senior Housing School Testing Exemption-** A public hearing was held regarding the proposed Ordinance to amend the APFO School Testing Exemption for "Housing for Older Persons".

Staff Recommendations:

The Text Amendment is intended to:

- Restore less stringent senior housing exemption requirements that existed prior to the June 2008 amendment that imposed the age 62 or older requirement.
- Amend the definition of "housing for older persons" to include both the "solely occupied by persons age 62 and older" option and the option related to "housing intended and operated for occupancy by persons 55 years of age and older".

Staff requested the Planning Commission decide whether to recommend adoption of the APFO text amendments as presented.

Staff Presentation:

Kathy Mitchell presented a summary of the proposed amendment.

Public Comment:

Rolan Clark

Decision: On a motion from Ms. Forrence, 2nd by Mr. Floyd, the Planning Commission recommended sending forward to the Board of County Commissioners (BoCC) a recommendation to not adopt the proposed Adequate Public Facilities Ordinance Text Amendment for the following reasons:

- The County does not have a mechanism for enforcement of the 55 and older option.
- The same reasons that the FCPC recommended adoption of the June 2008 Ordinance

*** PLEASE NOTE AUDIO AND/OR VIDEO RECORDINGS ARE AVAILABLE UPON REQUEST.**

The Planning Commission also recommended retaining only the current 62 years of age or older option for the APFO school adequacy exemption.

Yea 4 Nay 2 (Wolfe, Lawrence) Abstain 1 (Shreve) Absent 0

- b. Adequate Public Facilities Ordinance (APFO) School Mitigation Fee** -A public hearing was held regarding the proposed Ordinance to amend the APFO School Mitigation Fee.

Staff Recommendations:

The Text Amendment is intended to:

- Create a mitigation fee or school construction fee option for developers to meet the public school adequacy requirements and move forward with development projects.

Staff recommended the Planning Commission make a recommendation as to whether or not the Board of County Commissioners should adopt the draft ordinance as presented.

Staff Presentation:

Kathy Mitchell presented a summary of the proposed amendment. She also submitted and read in to record letters received from the Town of Myersville and City of Frederick and comments received from Daphne Gabb, President of PTA Council of Frederick County.

Public Comment:

Bruce Dean, Esq., representing Land Use Council of Frederick County

Rolan Clark

Janice Spiegel

M.C. Keegin-Ayer

Fred Ugast

Mark Friis

Rand Weinberg, Esq.

Kim Cable

George Trudy

Kai Hagen, representing Envision Frederick County

Decision:

On a motion from Ms. Forrence, 2nd by Mr. Floyd, the Planning Commission recommended sending forward to the Board of County Commissioners (BoCC) a recommendation to not adopt the proposed Adequate Public Facilities Ordinance Text Amendment for the following reasons:

- The State pays a net capital cost value of 48-50 % but currently owes the County 34 million dollars.
- The funds generated by the school construction fee would likely go toward new seats in schools where development is occurring while allowing older schools to remain without renovation.
- The Impact Fee that is currently used and will be collected for the next several years is dedicated to paying debt service on the bonds and will not be available to apply to new school construction projects; it is likely that it will remain that way for the five year sunset period as outlined in the proposed ordinance.

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